

REMARKS

[0001] Claims 1-15 are pending. The Office Action mailed May 31, 2007 [hereinafter "Office Action"] objected to the disclosure for informalities. The Office Action objected to Claims 5, 6, 9, and 10 for informalities. The Office Action provisionally rejected Claims 1-15 for obviousness-type double patenting based on the claims of copending U.S. Patent Application No. 10/730,968. The Office Action rejected Claims 1-3, 5-7, and 9-15 under 35 U.S.C. § 102(b) as being anticipated by Thomas, et al., U.S. Patent No. 6,529,992 [hereinafter "Thomas"]. The Office Action rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of the Description of the Related Art in the Applicant's specification. The Office Action rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of Ehram, U.S. Patent No. @103 P/A@ [hereinafter "Ehram"].

AMENDMENTS TO THE SPECIFICATION

[0002] The specification has been amended to correct obvious typographical errors pointed out in the Office Action. The amendments find full support in the specification, claims, and drawings.

AMENDMENTS TO THE CLAIMS

[0003] The claims have been amended to more particularly point out the features of the present invention and to address the objections to Claims 5, 6, 9, and 10. The acronyms objected to in Claims 5, 6, 9, and 10 are spelled out. The amendments are fully supported by the specification, drawings, and claims.

REJECTION OF CLAIMS 1-15 FOR DOUBLE PATENTING

[0004] The Office Action provisionally rejected Claims 1-15 for obviousness-type double patenting based on the claims of copending U.S. Patent Application No. 10/730,968. Independent Claims 1, 7, and 11 have been significantly amended. The Applicants believe that the amendments sufficiently change Claims 1, 7, and 11 to be patentably distinguishable from the claims of copending Application 10/730,968 and respectfully request that the double patenting rejection be withdrawn.

REJECTION OF CLAIMS 1-3, 5-7, and 9-15 UNDER 35 U.S.C. §102(b)

[0005] The Office Action rejected Claims 1-3, 5-7, and 9-15 under 35 U.S.C. §102(b) as being anticipated by Thomas. The Applicants respectfully traverse this rejection. “Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention. ...Whether such art is anticipating is a question of fact.” *Apple Computer, Inc. v. Articulate Systems, Inc.* 234 F.3d 14, 20, 57 USPQ2d 1057, 1061 (Fed. Cir. 2000). It is well settled that under 35 U.S.C. §102 “an invention is anticipated if . . . all the claim limitations [are] shown in a single art prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.” *Richardson v. Suzuki Motor Co., Ltd.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). In determining whether a prior art reference anticipates a claim, it is necessary to (1) determine the scope of Applicant's broadest claim, (2) determine exactly what the single prior art reference discloses, and (3) compare each and every claim limitation against the prior art disclosure. *SSIH Equipment, S.A. v. U.S Int'l Trade Commission et al.*, 218 U.S.P.Q. 678, 688. Only if each limitation is literally disclosed by the prior art reference is the claim anticipated.

[0006] Initially, it may be useful to review the invention described in the Application and the disclosures of the prior art. In general, the Application points out that current encryption methods for removable media require entering of a pass phrase every time that encryption and decryption is requested. Application of Junichi Asho, filed December 9, 2003, application no. 10/730,971 [hereinafter “Application”] at ¶ 12. The disclosed invention solves this problem by allowing a user to enter a pass phrase that is stored on the computer. *Id.* at Figs. 3, 4, ¶¶53-56, 67. Subsequent access of the removable media does not require entering the pass phrase every time, but instead uses the stored pass phrase. *Id.* In addition, hint information is stored with an encrypted file and then accessed as necessary if a user forgets the pass phrase. *Id.* at ¶¶ 69, 72, 73, 75, 78. If the removable media is inserted in a drive connected to a computer that does not have the pass phrase stored, decryption will not be allowed. *Id.* at ¶ 66.

[0007] Thomas, on the other hand, teaches a method for automatically loading and executing an application stored on removable media. Thomas at Abstract, col. 1, ll. 8-16. To facilitate execution of the application, a task disk control file ("TDCF") is stored on the removable media and contains information necessary for automatic execution. *Id.* at col. 5, ll. 54-60. Thomas teaches that the TDCF may be encrypted using the media serial number. *Id.* at col. 7, ll. 2-8. Thomas teaches obtaining the serial number using a program that runs on the PC, such as the Iomega Ready API. *Id.* at col. 7, ll. 9-48.

[0008] However, Thomas does not teach that a user selects and stores a pass phrase on the computer connected to the removable media drive. Instead, Thomas teaches encryption of the TDCF using a media serial number obtained using the Ready API or similar program. *Id.* One of skill in the art readily understands that the media serial number is not selected by a user, but that it is instead is supplied with the media or by a company supplying the media. A user is not able to select a pass phrase for encryption in the invention of Thomas. Thomas does not teach any user interaction with the encryption routine, but instead teaches that the Ready API running on the computer retrieves the media serial number.

[0009] Claims 1, 7, and 11 have been amended to clarify that the pass phrase is selected and stored by the user and that a data file that is encrypted accesses the stored pass phrase for subsequent encryption and decryption. Also, the encrypted data file selected to be encrypted is chosen by the user. Claim 2 is amended to recite that the data file is automatically decrypted if the media with the data file is inserted into the drive connected to the computer if the computer includes the stored pass phrase selected by the user, and then is automatically re-encrypted upon ejection. Claim 3 is amended to make clear that the pass phrase is from a user. Claim 6 is amended to recite that hint information is stored with the encrypted data file to remind a user if the user forgets the pass phrase. Thomas does not teach storing or using any hint information. Claim 10 is amended to recite that the data file is not decrypted where the pass phrase is not found, not supplied upon prompt, or fails to match a pass phrase used to encrypt the data file.

[0010] The Applicants respectfully assert that Thomas does not teach all of the limitations of amended independent Claims 1, 7, 11 or amended Claims 2, 3, 6, 10, or 12. In

addition, the Applicants respectfully assert that Claims 2, 3, 5, 6, 9, 10, and 12-15 are allowable because they depend from otherwise allowable claims.

REJECTION OF CLAIMS 4 UNDER 35 U.S.C. §103(a)

[0011] The Office Action rejected Claims 4 under 35 U.S.C. § 103(a) as being unpatentable over Thomas in view of admitted prior art and Claim 8 as being unpatentable over Thomas in view of Ehrsam. The Applicants respectfully traverse this rejection. The Applicants respectfully assert that Claims 1 and 7 are in condition for allowance and that Claims 4 and 8 are allowable because they depend from allowable claims. *See in re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

[0012] The Applicants believe that the amended claims are allowable over the prior art. The Applicants respectfully request that if the Examiner should feel otherwise, that the Examiner contact the undersigned by phone to possibly further clarify the claims.

Respectfully submitted,

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